RESPONSE TO OFFICE ACTION Docket No. 15740.005

Title: "Methods for Stabilizing and Controlling Apomixis"

U.S. Serial No. 10/772,243

REMARKS

Claims 1, 2, 5, 13, 16, 29-31, 33 and 43-48 were provisionally rejected on the ground of

nonstatutory double patenting over claims 1-3, 10, 17, 18, 27 and 29-32 of copending Application No. 10/785.157, which has been allowed. Applicant submits herewith a timely filed terminal

disclaimer. Thus, this rejection is now moot and should be withdrawn.

Claims 1, 13 and 29 were provisionally rejected on the ground of nonstatutory double

patenting over claims 1, 14, 21, 31 and 38 of copending Application No. 10/969,054. However, the

'054 application has **not** been allowed and will be abandoned. Thus, this provisional rejection is also

moot and should be withdrawn.

In view of the above, Applicant now believes all claims to be in condition for allowance.

Applicant respectfully requests that a Notice of Allowance be issued as soon as possible in view of

the resolution of all pending rejections and the extreme prosecution time expended in this

application. If there are any questions, the Examiner is invited to call Applicant's representative Rodney Fuller at (602) 916-5404 to resolve any remaining issues to expedite the allowance of this

application.

Respectfully submitted,

Date: May 5, 2009 /Rodney J. Fuller/

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